

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 22, 2005 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit # 05029, Domestic Employee

**PROPOSAL:** To allow a second unit for a domestic employee

**LOCATION:** 4800 South 112 Street

**WAIVER REQUEST:** n/a

**LAND AREA:** 21.42 acres more or less

**CONCLUSION:** This meets the zoning code .

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 20 I.T., located in the NE ½ of Section 7-9-8, Lancaster County, Nebraska.

**EXISTING ZONING:** AG Agriculture.

**EXISTING LAND USE:** Residence

### **SURROUNDING LAND USE AND ZONING:**

North: acreages, zoned AG

South: acreages, zoned AG

East: acreages, zoned AG

West: acreages, zoned AG

**ASSOCIATED APPLICATIONS:** none

**HISTORY:** Zoned AG in the 1979 zoning update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** This is shown in the City's future service area, Tier II.

**UTILITIES:** Existing well and septic system.

**TOPOGRAPHY:** Gently rolling

**TRAFFIC ANALYSIS:** S. 112<sup>th</sup> is a county gravel road.

**PUBLIC SERVICE:** County Sheriff, Norris Public Power, Waverly School District #145, Bennet Rural Fire District.

**REGIONAL ISSUES:** NA

**ENVIRONMENTAL CONCERNS:** Pond. No defined floodplain.

**AESTHETIC CONSIDERATIONS:** N/A

**ALTERNATIVE USES:** One dwelling

**ANALYSIS:**

1. This request is for a dwelling for a domestic employee in an accessory building as provided for in 27.63.640. The pre-conditions of the special permit section are:  
:
  - (1) The premises for which a special permit is requested shall be a buildable lot for single family use.
  - (2) No more than one dwelling unit for domestic employees shall be permitted.
  - (3) Parking shall be in conformance with Chapter 27.67, but additional parking requirements may be imposed.
  - (4) The number of domestic employees residing on the premise shall be limited to two.For the purpose of this section, "domestic employee" shall mean an employee such as a household servant, gardener, caretaker, or chauffeur whose work is usually necessary or desirable for the maintenance and enjoyment of his or her employer's home.
2. The applicant states the proposed dwelling will be an interior remodel to the existing accessory building and no exterior changes will be noticeable.
3. Building and Safety notes the new residence must meet codes and will be limited to occupancy by an employee of the premise.
4. Health Department notes no objection.

**CONDITIONS:**

Site Specific:

1. This approval permits a dwelling unit for a domestic employee in an accessory building on this premise under the provisions of 27.63.640.

General:

2. The construction plans comply with the approved plans.

**STANDARD CONDITIONS:**

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying this accessory dwelling unit all development and construction is to comply with the approved plans.
  - 3.2 Before occupying this accessory dwelling unit City/County Health Department is to approve the water and waste water systems.
  - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by

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Mike DeKalb, 441-6370, [mdekalb@lincoln.ne.gov](mailto:mdekalb@lincoln.ne.gov)  
Planner

**DATE:** June 8, 2005

**APPLICANT:** Brian D. Carstens  
601 Old Cheney Road, Suite "C"  
Lincoln, NE 68512  
(402) 434-2424

**OWNER:** Timothy Clare, Trustee  
Lawrence Francis Revocable Trust  
1201 Lincoln Mall  
Lincoln, NE 68508  
402) 475-5100

**CONTACT:** Brian D. Carstens  
(402) 434-2424



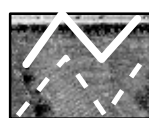
2002 aerial

## Special Permit #05029 S. 112th & Pioneers Blvd

### Zoning:

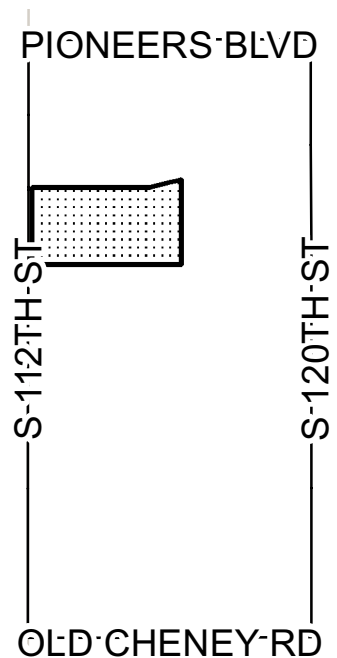
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 7 T9N R8E



Zoning Jurisdiction Lines

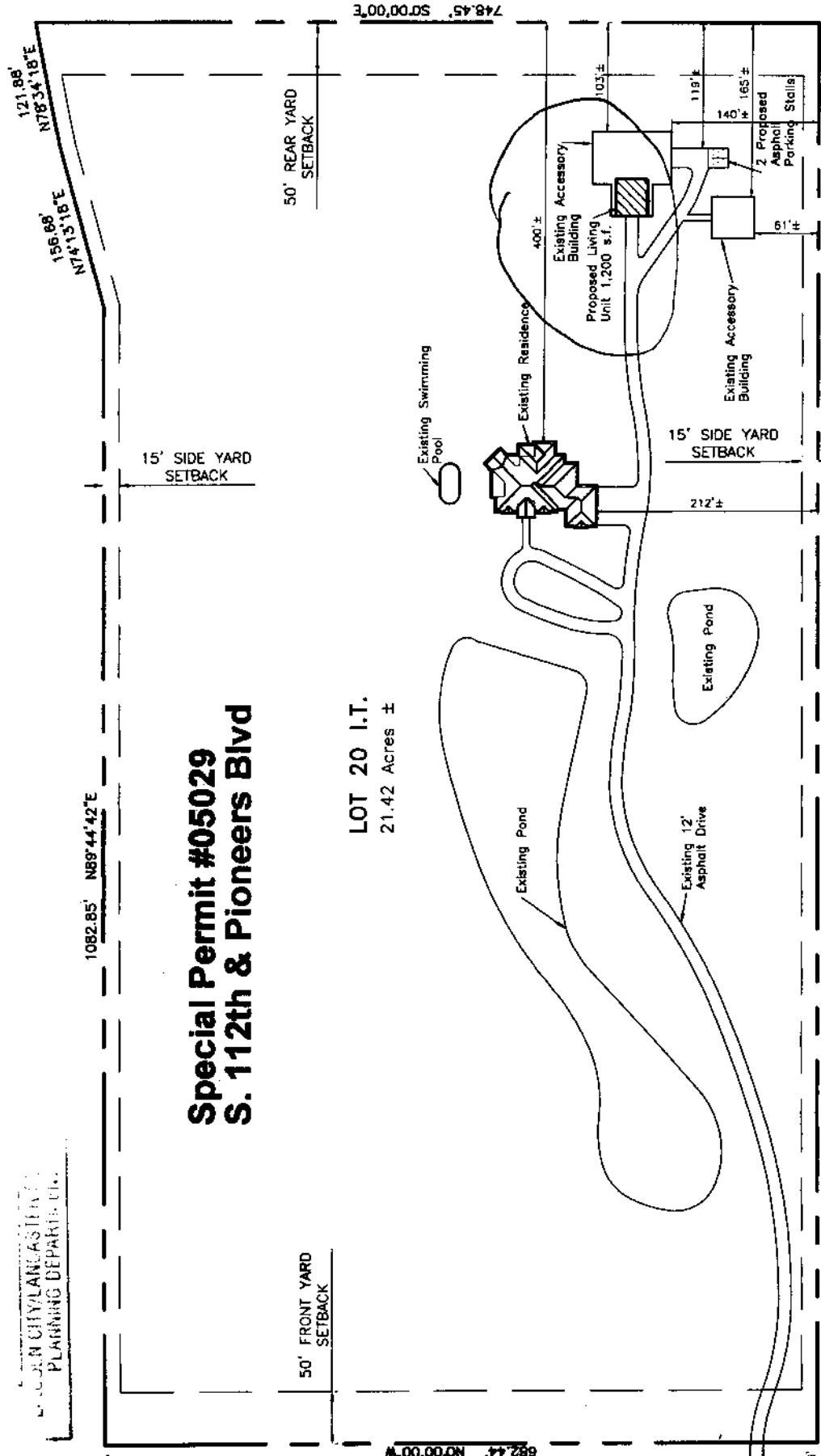
City Limit Jurisdiction



RECEIVED

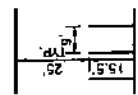
MAY 26 2005

LANCASTER CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT



# **GAL DESCRIPTION**

T 20 IRREGULAR TRACT LOCATED IN  
E NORTH 1/2 OF SECTION 7, TOWNSHIP  
NORTH, RANGE 8 EAST OF THE SIXTH  
PRINCIPAL MERIDIAN, LANCASTER COUNTY,  
BRASKA.



## **PARKING DETAIL**

NO SCALE

## **GENERAL NOTES**

1. THIS SPECIAL PERMIT CONTAINS 1 LOT WHICH CONTAINS ONE RESIDENCE WITH ONE ADDITIONAL LIVING UNIT CONTAINING 1,200 S.F.
2. THE CURRENT ZONING IS 'AC'.
3. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 35 FEET.
4. THE OWNER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN.
5. THE OWNER PROPOSES THE USE OF INDIVIDUAL WATER WELLS FOR POTABLE WATER SUPPLY.
6. THE OWNER PROPOSES THE USE OF INDIVIDUAL WASTE WATER SYSTEMS. WASTE WATER SYSTEMS SHALL BE APPROVED BY THE LANCASTER COUNTY HEALTH DEPARTMENT.

## **OWNER:**

TIMOTHY CLARE, TRUSTEE  
1201 LINCOLN MALL  
LINCOLN, NE 68508  
(402) 475-5100

## **PETITIONER:**

BRIAN D. CARSTENS & ASSOCIATES  
801 OLD CHENEY ROAD, SUITE 'C'  
LINCOLN, NE 68512  
(402) 434-2424

## **PROJECT AREA**



## **VICINITY MAP**

**BRIAN D. CARSTENS & ASSOCIATES**  
LAND/URBAN PLANNING  
RESIDENTIAL & COMMERCIAL DESIGN

601 OLD CHENEY ROAD  
SUITE 'C'  
LINCOLN, NE 68512

PHONE: (402) 434-2424  
FAX: (402) 434-2424  
© 2005 CARSTENS, INC.

**DWELLING UNIT FOR DOMESTIC EMPLOYEE**

SPECIAL PERMIT

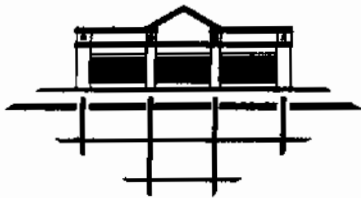
4800  
SOUTH 112TH ST.  
LINCOLN, NE

**SITE PLAN**

SCALE: 1"=100'

PROJECT NUMBER  
DATE SUBMITTED





**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
801 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

May 26, 2005

Mr. Marvin Krout, AICP  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: SPECIAL PERMIT FOR DWELLING UNIT FOR DOMESTIC EMPLOYEE  
4800 SOUTH 112<sup>TH</sup> STREET

Dear Marvin,

On behalf of Timothy Clare, I am submitting a Special Permit for a 'dwelling unit for a domestic employee' as permitted in Section 27.63.640 of the Lincoln Municipal Code.

The proposed dwelling unit will be located in an existing accessory building located on the site. The unit will contain 2 bedrooms, a living room, dining and kitchen, and one bathroom. An additional septic system will be installed to the east of the building.

We will also be constructing two surfaced parking stalls to the south of the building.

Other than new windows in the building, no exterior changes to the building will be noticeable.

Please contact me if you have any further questions or comments.

Sincerely,

Brian D. Carstens

cc: Timothy Clare  
Mark Resseguie- Innovative Homes

Enclosures: 24- Copies of the Site Plan  
8- Copies of the Floor Plan  
Application for a Special Permit  
Application Fee of \$740.00  
Title Opinion



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Mike DeKalb

**DATE:**

June 7, 2005

**DEPARTMENT:** Planning

**FROM:**

Chris Schroeder

**ATTENTION:**

**DEPARTMENT:**

Health

**CARBONS TO:** EH File

**SUBJECT:** Dwelling Unit for

EH Administration

Domestic Employee  
SP #05029

The Lincoln-Lancaster County Health Department has reviewed the special permit application and does not object to the approval of this application.

## **Memorandum**

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**To:** Mike DeKalb, Planning Department  
**From:** Charles W. Baker, Public Works and Utilities  
**Subject:** 4800 S 112th Dwelling Unit for Domestic Employee Special Permit #05029  
**Date:** June 6, 2005  
**cc:** Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for 4800 South 112th dwelling unit for domestic employee Special Permit #05029. Public Works has no objections.



**Benjamin J Higgins/Notes**  
06/01/2005 11:27 AM

To Michael V Dekalb/Notes@Notes  
cc Chad E Blahak/Notes@Notes  
bcc  
Subject WSM comments on Dwelling Unit for Domestic Employee at  
4800 S. 112th St

**Mike**

Watershed Management has no comments on this special permit. The Stevens Creek floodprone is located within the lot but is not near any structures identified on the plan provided. Thanks

Ben Higgins  
Watershed Management  
City of Lincoln Public Works  
441-7589



**Terry A Kathe/Notes**  
06/01/2005 11:01 AM

To Michael V Dekalb/Notes@Notes  
cc  
bcc  
Subject SP05029

**Mike -**

After reviewing the above mentioned project, this department has the following comments;

1) the building must meet the building code. (many accessory buildings are built with different standards)

\*\*\*\* There should be something in the resolution to document that this accessory use is only permitted as long as the individual living in these quarters is an employee of the premise.